

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-7 and 9-30 were pending in the application, of which Claims 1, 6, and 25 are independent. In the Final Office Action dated October 3, 2006, Claims 1-7 and 9-30 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-7, 9-15, and 17-29 remain in this application with Claims 16 and 30 being canceled without prejudice or disclaimer by this amendment. Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of Claim 1-5 Under 35 U.S.C. §103(a)

In the Final Office Action dated October 3, 2006, the Examiner rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,785,417 ("*Williamson*") in view of U.S. Patent No. 6,859,800 ("*Roche*"). Applicant respectfully traverses this rejection. *Williamson* qualifies as potential prior art only under 35 U.S.C. § 102(e). In addition, the subject matter of *Williamson* and the presently claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity: Microsoft Corporation. The assignment of *Williamson* was recorded in the USPTO on August 22, 2000, on Reel 011031, Frame 0402. The assignment of the present case was recorded in the USPTO on August 22, 2000, on Reel 011031, Frame 0402. Accordingly, 35 U.S.C. § 103(c) applies, thus the rejection of Claims 1-5 under 35 U.S.C. § 103(a) is improper and rendered moot. Applicant respectfully requests withdrawal of this rejection of Claims 1-5. Furthermore, because the aforementioned rejection is improper, Applicant

respectfully requests that the Examiner remove the finality of the present final Office Action.

II. Rejection of Claims 6-7 and 9-30 Under 35 U.S.C. §103(a)

In the Final Office Action, the Examiner rejected Claims 6-9, 12-15, and 25-29 under 35 U.S.C. §103(a) as being unpatentable over *Roche* in view of U.S. Patent No. 4,832,474 ("*Lopresti*"). Furthermore, the Examiner rejected Claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over *Roche* in view of *Lopresti* further in view of Software Patent Institute Database of Software Technologies, Published 1997 ("*SPIT*"). Moreover, the Examiner rejected Claims 16-24 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Roche* in view of *Lopresti* further in view of *Williamson*.

Applicant respectfully traverses the rejection of dependent Claim 16-24 and 30. As stated above, *Williamson* qualifies as potential prior art only under 35 U.S.C. § 102(e). In addition, the subject matter of *Williamson* and the presently claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity: Microsoft Corporation. The assignment of *Williamson* was recorded in the USPTO on August 22, 2000, on Reel 011031, Frame 0402. The assignment of the present case was recorded in the USPTO on November 14, 2005, on Reel 017010, Frame 0763. Accordingly, 35 U.S.C. § 103(c) applies, thus the rejection of Claims 16-24 and 30 under 35 U.S.C. § 103(a) is improper and rendered moot. Applicant respectfully requests withdrawal of this rejection of dependent Claims 16-24 and 30. Furthermore, because the aforementioned

rejection is improper, Applicant respectfully requests that the Examiner remove the finality of the present final Office Action.

Independent Claims 6 and 25 have been amended to respectively include the subject matter of dependent Claims 16 and 30. Applicant respectfully submits that because the rejection of dependent Claims 16 and 30 is improper, the amendments to Claims 6 and 25 to respectively include the subject matter of dependent Claims 16 and 30 overcome this rejection of Claims 6 and 25 and add no new matter. Accordingly, independent Claims 6 and 25 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 6 and 25.

Dependent Claims 7, 9-15, and 26-29 are also allowable at least for the reasons described above regarding independent Claims 6 and 25, and by virtue of their respective dependencies upon independent Claims 6 and 25. Accordingly Applicant respectfully requests withdrawal of this rejection of dependent Claims 7, 9-15, and 26-29.

III. Conclusion

Applicant respectfully requests that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicant respectfully submits that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or

inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant respectfully submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant respectfully submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

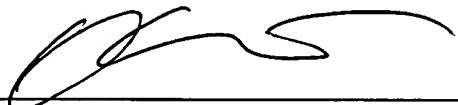
Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

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